

ORDINANCE NO. 97-54

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 PALM BEACH COUNTY COMPREHENSIVE PLAN ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; THE TEXT OF THE **LAND USE ELEMENT** (TO ADDRESS WATER AND SEWER SERVICE FOR PARCELS ON THE NORTH SIDE OF **SOUTHERN BOULEVARD**, LOCATED WEST OF THE URBAN SERVICE AREA BOUNDARY TO "C" ROAD SOUTH); AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on October 24, 1997, to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on November 17, 1997, to review the recommendations of the Local Planning Agency, and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendments comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulations Act.

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1 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
2 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

3 Part I. Amendments to the 1989 Comprehensive Plan

4 Amendments to the following Elements of the 1989 Comprehensive
5 Plan are hereby adopted and are attached to this Ordinance as the
6 following Exhibit:

7 A. Land Use Element, to address water and sewer service for
8 parcels on the north side of Southern Boulevard, located west
9 of the Urban Service Area Boundary to "C" Road South.

10 Part II. Repeal of Laws in Conflict

11 All local laws and ordinances applying to the unincorporated
12 area of Palm Beach County in conflict with any provision of this
13 ordinance are hereby repealed to the extent of such conflict.

14 Part III. Severability

15 If any section, paragraph, sentence, clause, phrase, or word
16 of this Ordinance is for any reason held by the Court to be
17 unconstitutional, inoperative or void, such holding shall not
18 affect the remainder of this Ordinance.

19 Part IV. Inclusion in the 1989 Comprehensive Plan

20 The provision of this Ordinance shall become and be made a
21 part of the 1989 Palm Beach County Comprehensive Plan. The
22 Sections of the Ordinance may be renumbered or relettered to
23 accomplish such, and the word "ordinance" may be changed to
24 "section," "article," or any other appropriate word.

25 Part V. Effective Date

26 The effective date of this plan amendment shall be the date a
27 final order is issued by the Department of Community Affairs or
28 Administration Commission finding the amendment in compliance in
29 accordance with Section 163.3184, Florida Statutes, whichever
30 occurs earlier. No development orders, development permits, or
31 land uses dependent on this amendment may be issued or commence
32 before it has become effective. If a final order of noncompliance
33 is issued by the Administration Commission, this amendment may
34 nevertheless be made effective by adoption of a resolution
35 affirming its effective status, a copy of which resolutions shall

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1 be sent to the Department of Community Affairs, Bureau of Local
2 Planning, 2740 Centerview Drive, Tallahassee, Florida 32399-2100.

3 **APPROVED AND ADOPTED** by the Board of County Commissioners of
4 Palm Beach County, on the 17 day of November, 1997.

5 ATTEST:
6 DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS



7 [Signature]
8 Deputy Clerk

By [Signature]
Chair

9 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

10 [Signature]
11 COUNTY ATTORNEY

12 Filed with the Department of State on the 21 day
13 of November, 1997.

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EXHIBIT A

- A. **Land Use Element**, to address water and sewer service for parcels on the north side of Southern Boulevard, located west of the Urban Service Area Boundary to "C" Road South.

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B. **LAND USE PLAN PROVISIONS AND USES PERMITTED BY THE LAND USE DESIGNATIONS**

Section B.1: Residential

a. **Urban and Rural Residential**

The Land Use Plan Map depicts the residentially designated area within nine sub-categories. Two of the sub-categories are Rural Residential categories and the remaining categories are Urban. Generally, the Rural Residential areas are located in the western coastal area and the urban densities are located to the east. All of the Residentially designated land in the Glades Area is shown on the Land Use Plan Map as Urban Residential.

The Urban and Rural Service Areas correspond to the areas designated Urban Residential and Rural Residential respectively (See map entitled "Urban and Rural Service Areas"). Within the Urban Service Area, the Urban Residentially-designated area is programmed to receive at some date the full complement of urban services addressed by the Comprehensive Plan Traffic Circulation, Mass Transit, Sanitary Sewer, Potable Water, Recreation and Open Space, Fire-Rescue, Solid Waste, and Drainage. Within the Urban Service Area, development may be allowed to proceed with rural levels of potable water and/or sanitary sewer service when the development is pursuant to the section entitled "Entitlement", or Policy 2-b of the Potable Water sub-element, or Policy 2-b of the Sanitary Sewer sub-element. Rural Residential Areas will receive only rural levels of service and development orders will be reviewed at Rural rather than Urban levels of service. The parcels adjacent to the north side of Southern Boulevard, located west of the Urban Service Area Boundary (as depicted on page 61 of the County's Future Land Use Atlas) to "C" Road South are exempt from this provision, and will be allowed an urban level of sewer service when required by the Public Health Department. The basis for this exception is that sewer service lines existed along Southern Boulevard in this vicinity prior to 1989.

(Unaltered text omitted for brevity)

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